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August 6, 2021

**By ECF**

Honorable Mary Kay Vyskocil  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Re: **Brett Wheeler v. NYC DOC, et al.**  
19-CV-9689 (MKV)

Your Honor:

I am the Assistant Corporation Counsel in the Office of Georgia M. Pestana, Corporation Counsel of the City of New York, representing the defendants in the above-referenced matter. Defendants write to respectfully request a 7-day enlargement of time, from August 11 to August 18, 2021, to file their Motion to Dismiss. Due to unforeseen commitments in other matters earlier this week and upcoming vacation time next week, defendants require this brief extension to file their motion to dismiss the second amended complaint. This is defendants' first request for an enlargement of time to file their motion. Because plaintiff, who is proceeding *pro se*, is currently incarcerated, the undersigned could not expeditiously contact plaintiff to seek his consent to this application.

We thank the Court for its consideration of this matter.

Respectfully submitted,

*Evan J. Gottstein* /s/  
Evan J. Gottstein  
*Assistant Corporation Counsel*  
Special Federal Litigation Division

cc: **Via First-Class Mail**

Brett Wheeler  
*Plaintiff Pro Se*  
DIN No. 19A4236  
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P.O. Box 116  
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GRANTED. The briefing schedule is modified as follows: motion due August 18, 2021; opposition due October 1, 2021; reply due October 15, 2021. The Clerk of Court is respectfully requested to mail a copy of this Order to the *pro se* Plaintiff at the address of record. SO ORDERED.

Date: 8/9/2021  
New York, New York

*Mary Kay Vyskocil*  
Mary Kay Vyskocil  
United States District Judge